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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,361	02/12/2004	Mark Spotswood	BEAS-01312US1	5070

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EXAMINER	
WEI, ZHENG	
ART UNIT	PAPER NUMBER
2192	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/777,361	SPOTSWOOD, MARK	
	Examiner	Art Unit	
	ZHENG WEI	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 June 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,9,11-17,19,31-34 and 37-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7,9,11-17,19,31-34 and 37-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Detailed Action

Remarks

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/30/2008 has been entered.
2. This office action is in response to the amendment filed on 06/30/2008.
3. Claims 1, 2, 5, 7, 9, 11, 12, 15, 17 and 19 have been amended.
4. Claims 21-27, 29 and 35-36 have been cancelled
5. Claims 37-42 have been added
6. Claims 1-7, 9, 11-17, 19, 31-34 and 37-42 remain pending and have been examined.

Response to Arguments

7. Applicant's arguments filed on 06/30/2008, in particular on pages 11-13, have been fully considered but they are not persuasive. For example:
   - At the page 11, last paragraph, the Applicant submits that, in Taylor, the system therein is used to support programs that are intended only to be executed in remote address space of the remote process, and at least one other section includes programs that are intended to be downloaded from the

remote process and execute in a client address space that is different than the remote address space. However, as Taylor disclosed at paragraph [0012], "Alternatively, the remote process, remote address space, and client address space may be implemented in a same computer system...[emphasis added]". Therefore, the example of a class loader hierarchy defined by the manifest file/control file/deployment descriptor file and deploying/loading class/module/application using the manifest file in the distributed computer system, can also be implemented in the same computer system as recited the limitation "run on the same server" in claim 1.

- At page 12, second paragraph, the applicant submits that, "in Taylor, the class loader hierarchy therein appears to use a manifest file at the application level. Similarly, Figures 7 and 8 appear to show that the class loader hierarchy stops at the population instance for the application, but does not appear to proceed to the module level within each population instance. However, as Taylor disclosed at Fig.6 and paragraph [0050], the class loader hierarchy 350 further divides class loader from application/system level to root, factory and component levels (see for example, Fig.6 and paragraph [0050], "The class loader hierarchy 350 divides class loaders into factory, root, and component class loaders. Component class loaders are used to load the variable components of the system, such as services, facility implementations, plug-ins, and dynamically loaded modules"[emphasis added]).

- At the page 12, third paragraph, the Applicant points out that Sparks appears to be a way to assist the software developer in the iterative software development process, rather than a means of giving the software developer control over how the classloaders work, or which modules will be loaded into memory. However, as Sparks disclosed at paragraph [0066], "...the system dynamically and automatically reloads classes if it detects that the code has been changed by the developer. Rather than having to restart the server, or redeploy the application (or both)...", said feature of reloading related changed classes without reloading whole application is the portion of Sparks' invention that the Examiner cited to incorporate with Taylor's method to only reload specified classes/module without loading any other classes. Susarla (US 6,915,511, in the record) further discloses changing/replacing all class loaders that depend on the changed classes in hierarchical stack of class loaders and then reload the affected classes (see for example, ABASTRACT, "The class loader module may include a hierarchical stack of class loader.", "The class loaders for all classes that depend on the changed class my also be replaced. The replaced class loaders may then reload the affected classes" [emphasis added]). Therefore, the feature of reloading affected classes without reloading other classes combining with Taylor's method discloses all the limitations as recited in claims 1, 11 and 37.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 1-7, 9, 11-17, 19, 31-34 and 37-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (Taylor et al., US 2004/0019897 A1) in view of Susarla (Susarla et al., US 6,915,511 B2)

Claim 11:

Taylor discloses a method for loading software applications on a server, comprising the steps of:

- Providing a server for storing and running a plurality of software applications (see for example, Fig.5, item 304 Server, item 312 storage, Fig.10, and related text; also see paragraph [0012], "same computer system")
- providing a plurality of software applications, wherein each of said plurality software applications includes a plurality of deployable modules and classes associated therewith, and wherein the software applications can be customized by a software developer and then deployed to run on the same server (see for example, p.4, paragraph [0047], paragraph [0012} "same computer system");
- providing a control file associated with said software application (see for example, Fig.5 item 325 "population manifest" and related text), wherein said

control file can be edited by a software developer (administrator) and specifies a hierarchy of classloaders to be used with the modules in said software application, and wherein the hierarchy includes a plurality of nested branches that are specified by the software developer to provide namespace separation between two or more of the plurality of software applications or different modules separation between different modules in any one of the software applications (see for example, p.4, paragraph [0048], "An administrator would place… and provide the population manifest 326 indicating the components that will be loaded"; paragraph [0050], "The population manifest 326 is parsed by the container 306 to construct class loader…"; paragraph [0051], "the population manifest 326 may be implemented as multiple population manifests, where each manifest comprises an XML file"; also see Fig.6, Fig.7 and related text);

- upon receiving a request to deploy and run a software application on the server (see for example, Fig.4, step 100,"Receive remote objects form server in response to RMI call on proxy object" and related text)
  - parsing the control file and determining which classloaders are specified therein for the software application being deployed (see for example, paragraph [0050], "The population manifest 326 is parsed by the container 306 to construct class loader…")
  - retrieving a selection of said classloaders according to the hierarchy specified by said control file (see for example, p.4, paragraph [0051],

"construct class loaders as necessary to load the components indicated in the manifests"; also see paragraph [0051]); and,

- loading said modules and classes onto the server as part of said application according to said hierarchy, (see for example, p.4, paragraph [0051]-[0052], "load the components indicated in the manifests").

Taylor also discloses the module to be reloaded without reloading other modules (see for example, p.4, paragraph [0049]-[0050], "dynamically loaded modules") and but does not explicitly disclose the loading including, if a modules in said software application is being redeployed then loading only the classloaders in the branches for that module, independently of other branches in the hierarchy. However, Susarla in the same analogous art of dynamic redeploying environment discloses a feature about redeploying/reloading only the application class loaders that are specified in the branches for the particular software application/module without loading any of the other branches in the hierarchy (see for example, Fig.4, Fig.5, items 202, 204B, 208, Fig.7, step 306, 308 310 and related text; also see col.11. lines 7-14, "This layer may load all the classes that are visible only to a module but not cross-module"). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to redeploy a specific module without reload other modules in the application. One would have been motivated to do so to reduce the number of steps that must be performed as suggested by Sparks (see for example, col.8, lines 1-4, "Using the dynamic class reloading mechanism, only a changed class

and its dependent classes are reloaded, thus limiting the number of files that are affected on the application server")

Claim 12:

Taylor further discloses the method of claim 11 wherein said control file can be modified by a software developer to specify a particular hierarchy of classloaders to be used with a particular software application (see for example, p.4, paragraph [0051], "where each manifest comprises an XML file").

Claim 13:

Taylor also discloses the method of claim 12, wherein said control file is a deployment descriptor (see for example, p.4, paragraph [0048], "The population manifest 326 includes information on components to load in the container 306" and paragraph [0051], "where each manifest comprises an XML file").

Claim 14:

Taylor further discloses the method of claim 13, wherein said control file is interpreted by an application container constructor during deployment so as to define the application container (see for example, p.4, paragraph [0050], "The population manifest 326 is parsed by the container 306 to construct class loader…").

Claim 15:

Taylor also discloses the method of claim 14, wherein said interpretation includes traversing the hierarchy and building parent child relationships between the tiers of selected classloaders (see for example, p.4, paragraph [0051], "root chain", "The root chain is built first, then the class loaders used to load the factories and then the class loaders used to load the components").

Claim 16:

Taylor also discloses the method of claim 11, wherein said hierarchy is specified by a classloader structure declaration (see for example, Fig.6, an example of a class loader hierarchy and related text description in the specification).

Claim 17:

Taylor further discloses the method of claim 11, wherein a combination of said modules may be associated with a plurality of subordinate classloaders (see for example, p.4, paragraph [0051], "root chain", "The root chain is built first, then the class loaders used to load the factories and then the class loaders used to load the components").

Claim 19:

Taylor further discloses the method of claim 11, wherein the server provides multiple software applications, each with their own hierarchy of classloaders (see

for example, p.4, paragraph [0049], hierarchy of class loads to be employed in loading class files associated with components listed in the manifest").

Claim 33:

Taylor also discloses the method of claim 11 wherein each of the plurality of modules is one of an EJB or Web application file, together with associated classes, configuration rules and resource files fro that EJB or Web application file (see for example, Fig.2, structure of 50 of a CAR file and related text; also see paragraph [0030], The CAR file structure 50 includes the following elements, implementation resources, ad download JAR file, a Security policy and a JAR manifest).

Claim 34:

Taylor further discloses the method of claim 11 wherein the hierarchy that includes a plurality of branches specified by the software developer further comprises a plurality of nested references to modules and/or individual class files as specified by the software developer application (see for example, p.4, paragraph [0048], "An administrator would place... and provide the population manifest 326 indicating the components that will be loaded"; also see Fig.6, Fig.7 and related text).

Claims 1-7, 9 and 31-32

Claims 1-7, 9 and 31-32 are system version for performing the claimed method as in claims 11-17, 19, 33 and 34 addressed above, wherein all claimed limitation functions have been addressed and/or set forth above and certainly a computer system would need to run and/or practice such function steps disclosed by reference above. Thus, they also would have been obvious.

Claims 37-42:

Claims 37-42 are another system version for performing the claimed method as in claims 11-17, 19, 33 and 34 addressed above, wherein all claimed limitation e.g., deployment descriptor file/control file, classloader structure definition/manifest file, hierarchy of application classloader and deployment utility functions have been addressed and/or set forth above and certainly a system would need to run and/or practice such function steps disclosed by reference above. Thus, they also would have been obvious.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zheng Wei whose telephone number is (571)

270-1059 and Fax number is (571) 270-2059. The examiner can normally be reached on Monday-Thursday 8:00-15:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571- 272-1000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Z. W./
Examiner, Art Unit 2192

/Tuan Q. Dam/
Supervisory Patent Examiner, Art Unit 2192